IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8549 OF 2007

V.R.Kondvilkar .. Petkitioner

Versus

The Divisional Joint Registrar C.S. (Appeals & Revision) Mumbai and Ors. .. Respondents.

Mr.Satish Manale for petitioner

Mr.R.M.Patne, A.G.P. for Respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th December 2007

P.C.

. The petitioner is aggrieved by the fact that during the pendency of Appeal No.91 of 2007

challenging the order dated 21st February 2007 passed by the Dy.Registrar, Coop.Societies, MHADA Mumbai, directing that a meeting of the concerned society be convened and the election would be held under the supervision of authorised officer appointed by the Dy.Registrar, the Deputy Registrar initiated coercive measures and resorted to Section 80(2) of the Maharashtra Coop.Societies Act, 1960. He issued an order dated 18th October 2007. The same was challenged by filing a Rervision Application under section 154 of the Maharashtra Coop.Societies Act being Revision Application No.551 of 2007 before the Divisional Joint Registrar, C.S. (Appeals and Revision) Mumbai. He admitted the revision application and stayed this order only for a limited period. Even the Appeal is pending.

2. In the meanwhile, the petitioner who is ex-Secretary facing coercive proceedings inasmuch as the Senior Inspector of Police, Goregaon

Police station informed him that his premises would be searched in pursuance of the order dated 18th October 2007. All records would be seized under section 80(2) of the MCS Act.

3. In such circumstances, petitioner approached this Court seeking protection as he apprehends that the police will barge into the premises and seize the records forcibly so also they may seal the premises.

4. I had passed an order on 26th November 2007 which sufficiently protects rights of parties. Mr.Manale states that the order has been complied with inasmuch as the records have been handed over.

5. In my view, the order passed on 26th November 2007 can be continued till the disposal of the appeal as also revisional proceedings as above, with Direction to the Authorities to

consolidate hearing of the Appeal and Revision and dispose of the same as expeditiously as possible and in any case within four months from today. The petitioner to cooperate in the early disposal of the proceedings. Petition accordingly is disposed of with these directions. The order passed on 26th November 2007 so also on 28th November 2007 by this Court to continue till hearing and final disposal of these proceedings. All contentions on merits are expressly kept open.

(S.C.Dharmadhikari, J)